

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EFRAIN CAMPOS, JUAN NIETO, and
STANLEY NEWAGO,

Plaintiffs,

v.

OPINION & ORDER

MICHAEL DITTMAN,
LINDA ALSUM O'DONOVAN,
DAVID KURKOWSKI, LUCAS M. WEBER,
KEVIN W. PITZEN, BRAD HOMRE, and
CINDY O'DONNELL,

17-cv-545-jdp

Defendants.

Pro se plaintiffs Efrain Campos, Juan Nieto, and Stanley Newago are inmates in the custody of the Wisconsin Department of Corrections (DOC) currently housed at the Columbia Correctional Institution (CCI). They bring this proposed class action under 42 U.S.C. § 1983 alleging that defendants, CCI and DOC officials, terminated plaintiffs from their prison work assignments in retaliation for plaintiffs' comments during a prison investigation and in violation of plaintiffs' procedural due process and equal protection rights. In an October 31, 2017 order, I reviewed their complaint and concluded that it did not meet the pleading requirements of Federal Rule of Civil Procedure 8. Dkt. 36. I set a deadline of November 21, 2017, for plaintiffs to file an amended complaint alleging facts showing each defendant's retaliatory or improper purpose in terminating them. I also denied their motion for certification of a class action.

Now Campos has filed an amended complaint and a renewed motion for class certification. Dkt. 37 and Dkt. 38. Nieto has requested a 30-day extension of the deadline,

explaining that he needs additional time to translate court documents into English.¹ Dkt. 39. Newago has been silent.

The court already explained that each plaintiff must sign all papers submitted to the court when returning the initial complaint for the signatures of the other plaintiffs. *See* Dkts. 5–7. It appears that Campos intends to be the sole representative for the proposed class, including each of the named plaintiffs. But a pro se litigant cannot bring a class action on behalf of others. *See Howard v. Pollard*, 814 F.3d 476, 478–79 (7th Cir. 2015). Nor can a pro se litigant represent another individual litigant. *See Swanson v. Citibank, N.A.*, 614 F.3d 400, 402 (7th Cir. 2010). So I will deny Campos’s motion for class certification, grant Nieto’s motion for an extension, set a new deadline for plaintiffs to file an amended complaint, and delay screening the amended complaint until that deadline has passed. If I have not received an amended complaint bearing Nieto’s or Newago’s signature by the deadline, I will dismiss them from the lawsuit and proceed solely with the signed plaintiffs’ claims.

ORDER

IT IS ORDERED that:

1. Plaintiff Efrain Campos’s motion for class certification, Dkt. 37, is DENIED.
2. Plaintiff Juan Nieto’s motion for an extension, Dkt. 39, is GRANTED.

¹ Nieto also requests that the court send all documents to him in Spanish. The court cannot do so.

3. Plaintiffs may have until December 22, 2017, to file an amended complaint alleging facts that show that each defendant acted with a retaliatory or improper purpose.

Entered December 1, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge